

Saturday, 8th August, 1857

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1857.

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and would be able to answer the Honorable and learned Member's question next Saturday.

SLAVERY.

MR. LEGEYT moved that a further communication received by him from the Government of Bombay, on the subject of Slavery, be laid upon the table and referred to the Select Committee on "The Indian Penal Code."

Agreed to.

VOLUNTARY OATHS, AFFIDAVITS, AND DECLARATIONS.

MR. CURRIE moved that the communication from the Madras Government on the subject of administering voluntary oaths and attesting affidavits and declarations in India, which was reported to the Council on the 27th of June last, and ordered, on the Motion of the Chief Justice, to be printed, be referred to the Select Committee on the Bill "to amend the Law relating to affidavits, affirmations, and solemn declarations." The Government of Fort St. George observed that, in the opinion of their Law Officer, "neither Justices of the Peace nor Magistrates in this country have authority to administer a voluntary oath." A similar opinion, he believed, had been given by the Law Officers of the Government in Calcutta. The Madras Government observed:—

"The very great public inconvenience which will be occasioned, if, as thus supposed, there be no Authority either in the Town of Madras or in the Provinces by whom oaths can be administered unless in cases coming before them judicially, or Affidavits and Declarations attested, is so palpable that this Government have resolved at once to bring the matter under the consideration of the Government of India for such notice as it may seem to require."

It seemed to him very desirable that there should be early legislation on the subject; and, with that view, he made his present Motion.

Agreed to.

MUNICIPAL ASSESSMENT (BOMBAY.)

MR. LEGEYT gave notice that he would, on Saturday the 8th instant, move the second reading of the Bill "for appointing Municipal Commissioners, and for raising a Fund for muni-

cipal purposes in the Town of Bombay."

The Council adjourned.

Saturday, August 8, 1857.

PRESENT :

The Honorable J. A. Dorin, *Vice-President*,
in the Chair.

Hon. the Chief Justice,	P. W. LeGeyt, Esq.
Hon. Major General	E. Currie, Esq.
J. Low,	and
Hon. B. Peacock,	Hon. Sir A. W. Buller.

FORFEITURE OF PROPERTY FOR MUTINY.

THE VICE PRESIDENT announced that the Governor General had signified his assent to the Bill "to render Officers and Soldiers in the Native Army liable to forfeiture of property for Mutiny, and to provide for the adjudication and recovery of forfeitures of property in certain cases."

ABUSE OF AUTHORITY BY PUBLIC SERVANTS.

THE CLERK reported to the Council that he had received a communication from the Acting Chief Secretary to the Government of Fort St. George forwarding a copy of a Despatch from the Honorable the Court of Directors on the subject of passing an Act regarding abuse of authority by public servants.

MR. CURRIE moved that the above communication, together with the former papers on the subject, be printed.

Agreed to.

IMPORTATION OF MILITARY STORES.

THE CLERK also reported that he had received a communication from the Officiating Under-Secretary to the Government of India in the Home Department, forwarding a copy of a letter addressed to the Madras and Bombay Governments on the subject of prohibiting the importation of Military Stores.

MR. LEGEYT moved that the above communication be printed.

Agreed to.

STRAITS' FERRIES.

MR. CURRIE presented the Report of the Select Committee on the Bill "for regulating Ferries in the Settlement of Prince of Wales' Island, Singapore, and Malacca."

MUNICIPAL ASSESSMENT (BOMBAY.)

MR. LEGEYNT moved the second reading of the Bill "for appointing Municipal Commissioners, and for raising a Fund for municipal purposes in the Town of Bombay."

MR. CURRIE said, he had no intention of offering any opposition to the motion for the second reading. But it was his wish to make a remark or two upon certain of the provisions of the Bill. There were two points in which the Bill differed from the Municipal Acts for Calcutta and Madras. One related to the constitution of the Municipal Body—the other to the sources from which the municipal revenue was to be derived. Besides the sources of such revenue provided by the Acts for the other Presidency Towns, the Bill proposed to raise a large sum by the levy of Town-Duties upon certain articles. If those articles were imported exclusively for consumption in the island of Bombay, he saw no objection to the levy of Town-Duties upon them. Indeed, it appeared to him that this mode of raising a revenue for municipal purposes was a very suitable one.

But with respect to the constitution of the Municipal Body which the Bill proposed, he entertained considerable doubts. It appeared that there were to be seven Municipal Commissioners, some of whom were to be elected by the Bench of Justices, who were also to exercise a control over the proceedings of the Commissioners. The Bench of Justices were also to fix, within specified limits, the annual rate upon houses, buildings, and lands. He did not object to a portion of the Municipal Body being elected by the Bench of Justices—on the contrary, he thought that it was a very good arrangement. Nor did he think that there could be any objection to allowing the Bench of Justices to fix, within given limits, what should be the amount of the house-rate. But it did seem to him unnecessary and inexpedient to give them the power

of exercising any further control. He thought that, having elected the Commissioners and fixed the rate to be levied, their interference should cease, and that they should not be permitted to exercise any control over the ordinary proceedings of the Commissioners; the more so inasmuch as the Bill provided that "in the event of the Justices rejecting any measure submitted for their approval by the Commissioners, it should be lawful for the Commissioners, if they saw fit, to refer the matter to the local Government, whose decision should be final." If, therefore, there were a difference between the Commissioners and the Justices, the Commissioners would apply to the Government, which might overrule the objections of the Justices; and he thought that a control thus restricted could hardly answer any useful purpose.

Upon this question, though he agreed to the second reading of the Bill, he should reserve his consent.

MR. LEGEYNT said, the Clause in the Bill which proposed to vest the Bench of Justices with control over the Municipal Body had been inserted in pursuance of the custom which had hitherto prevailed in Bombay, and which, it would be found from the papers annexed to the Bill, the local Government had, after considerable deliberation, consented to continue. This control had been with the Justices for many, many years; the proceedings of the Municipal Body had been, on the whole, well conducted under their supervision; and useful public works had been undertaken and completed under that system. He could only state that the scheme propounded by this Bill had for its recommendation the good-will and support of the whole community of Bombay; and that it would be a very great misfortune if any obstruction were thrown in its way. He trusted that the Sections of the Bill which gave a control to the Bench of Justices over the Commissioners, would be preserved in their integrity. The Bench of Justices had always enjoyed the confidence of the Public and of the Government, and their constitution more nearly approached that of a Municipality than any other body in India formed for the management of municipal matters. He himself had had the honor of

being a member of the Bench of Justices, and had acted with them for several years; and he was certain that a more intelligent, public-spirited, and liberal-minded body of men could not be placed at the head of the municipal affairs of a town. He did hope, therefore, that the Sections of the Bill which related to this point, would be passed untouched.

The Council would observe that the Bill proposed to levy Town-Duties—that is, “duties at the rates specified in the Schedule annexed to this Act,”—only “in respect of the several things therein mentioned when imported from any place into the Town of Bombay and intended for consumption or use therein.” And on reference to the Schedule, it would be found that no articles were mentioned in it which were ever exported from Bombay. The only articles upon which Town-Duties would be levied were articles imported. But Bombay was a very small island. Cattle were not bred in it to any extent; very little grain was grown in its soil; chunam was not manufactured there; ghee was imported to a very considerable extent. As he had said when introducing the Bill, the scheme which it comprised had met with the cordial support of the inhabitants of Bombay, as far as their opinion could possibly be ascertained; and he trusted that the Council would think it advisable to tax them in the way which they themselves considered best for the municipal wants which had to be provided for.

MR. LEGEYTS Motion was carried, and the Bill read a second time.

MR. LEGEYT moved that the Bill be referred to a Select Committee consisting of Mr. Currie, Sir Arthur Buller, and the Mover.

Agreed to.

PORT-DUES (CALCUTTA).

MR. CURRIE moved that, in the absence of Mr. Grant, the Chief Justice be added to the Select Committee on the Bill “for the levy of Port-dues and fees in the Port of Calcutta.”

Agreed to.

PORT-DUES (MOULMEIN, RANGOON, &c.)

MR. CURRIE moved that, in the absence of Mr. Grant, the Chief Justice

be added to the Select Committee on the Bill “for the levy of Port-dues in the Ports of Moulmein, Rangoon, Dalhousie, Akyab, and Chittagong.”

Agreed to.

THE DRAINAGE OF CALCUTTA.

MR. CURRIE said, with reference to the question asked by the Honorable and learned Member to his right (Mr. Peacock) on Saturday last, he wished to state that he had ascertained that no orders had as yet been passed by the Government of Bengal upon the Report of the Drainage Committee.

He had also ascertained from the Municipal Commissioners that it never had been their intention to apply any interest which might accrue on the investment of the sum set aside for drainage otherwise than to that particular object. In point of fact, however, they had not yet been able to set aside any such sum. Although the scheme of drainage to be adopted had not yet been finally sanctioned, the Commissioners had been authorized to make a commencement by purchasing all necessary materials, and making arrangements for the manufacture of bricks &c. This preliminary expenditure would probably consume the whole of the amount to be appropriated to drainage during the year.

The Council adjourned.

Saturday, August 15, 1857.

PRESENT :

The Hon'ble Joseph Alexander Dorin,
Vice-President.

Hon. Major General	E. Currie, Esq.,
J. Low,	and
Hon. B. Peacock,	Hon. Sir A. W.
P. W. LeGeyt, Esq.,	Buller.

The Members assembled at the Meeting did not form the Quorum required by Law for a Meeting of the Council for the purpose of making Laws.